IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 989 (S/S) of 2006

D.P. Chamoli,
Son of late Sri R.P. Chamoli,
Resident of Shastri Nagar,
Haridwar Road,
Dehradun. **……Petitioner**

V e r s u s

1. State of Uttaranchal through Secretary, Food and Civil Supplies Department, Uttaranchal.
2. Commissioner, Food and Civil Supplies Department, Uttaranchal.
3. District Supply Officer, Department of Food and Civil Supplies, Haridwar.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

1. Heard Sri Nagesh Agarwal, learned counsel for the petitioners, and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:

   (a) Issue a writ, order or direction in the nature of Certiorari to quash the order dated 10.07.2006 passed by the respondent no. 2 (Contained in Annexure No. 4) in respect of petitioner only.

   (b) Pass any other such order, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

   (c) Award the costs of the petition to the petitioner.

3. The submission of the petitioner is that petitioner, who is working as Supply Inspector, has been transferred from District – Haridwar to District – Pauri Garhwal by respondent no. 2 vide order dated 10.07.2006.

4. Learned counsel for the petitioner has challenged the transfer order on three counts. First, his mother is 75 years old and there is no one to look after her except the petitioner. Second, the petitioner is patient of diabetes and is also having the problem of blood pressure. Third, respondents while making transfer of the petitioner, have not followed the policy issued by State of Uttaranchal on 27.06.2006 wherein it is specifically provided that the option should be invited from the person whose transfer is to be made. In the present case, no option has been invited and further, principle, of "First Come First Go" has not been adopted by the respondents. Some persons working as Supply Inspector are staying at Haridwar for more period than the petitioner and these persons have not been transferred.

5. Learned counsel for the petitioner has confined his prayer that he may be permitted to make representation before respondent no. 2 and respondent no. 2 may be directed to decide the same within a particular period.

6. The prayer is innocuous. Without going into the merit of the case, I deem it fit and proper to direct the petitioner to make representation, raising all his grievances, before respondent no. 2 i.e. Commissioner, Food and Civil Supplies Department, Uttaranchal within a period of one week from today and respondent no. 2 i.e. Commissioner,

Food and Civil Supplies Department, Uttaranchal shall take decision on the representation of the petitioner within a period of ten days from the date of production of certified copy of this order along with representation.

7. With this direction, the writ petition is finally disposed. No order as costs.

(M.M. Ghildiyal, J)

July 20, 2006
SKSharma